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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,847	02/27/2002	Charles E. Dalbec	5375	6213

7590 12/19/2003
Milliken & Company
Legal Department, M-495
P.O. Box 1927
Spartanburg, SC 29304

EXAMINER

SINGH, ARTI R

ART UNIT PAPER NUMBER

1771

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,847

Applicant(s)

DALBEC, CHARLES E.

Examiner

Ms. Arti Singh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The Examiner has carefully considered Applicant's amendments and accompanying remarks filed on September 16, 2003. Applicant's amendments to the specification to correct the objections made in paragraphs 1-3 of the previous office action is acknowledged and the respective objections are now withdrawn. Applicant's submission of new formal drawings has also been entered. Despite these advances, the amendments are not found to patentably distinguish the claims over the cited prior art and thus do not overcome the rejections made in paragraph's 4-7 of the previous office action, and are thus maintained. Applicant's arguments are not found to be persuasive in terms of patentability and thus this action is made final.

Response to Arguments

2. Applicant's arguments filed with Amendment filed on September 16, 2003 have been fully considered but are not found to be persuasive. Applicant traverses the rejection made under 35 USC § 102 (b) & USC § 103 (a) cited over Civardi et al. (USPN 4,122,223), in paragraph 4-7 of the previous office action. Applicant's first traversal asserts that the teachings of Civardi et al. does not teach an artificial leather sheet material, and rather that it discloses a textile material having a napped and bonded surface. It should be noted that the Examiner is quoting the abstract verbatim and patentee describes their composite as such. Applicant's contends that the reference does not teach bonding a continuous layer to a napped surface, and directs us to an embodiment in the reference. In rebuttal, the Examiner points Applicant to columns 3 and 4 wherein Patentee discloses that a latex may be employed as the adhesive for bonding the opposite face of the fabric to other layers such as a preformed film. As it has already been established that Patentee teaches a fabric substrate

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having a first side and second side wherein both sides may be napped and either may be sheared or skived (column 15), and further that an adhesive may attach a film to the fabric substrate, Civardi et al have met all of Applicant's limitations.

It should be noted that the end product is the same as what Applicant wants and appears that Applicant is describing the difference in the method of making the final product, which in the end a skilled artisan would not be able to tell the difference once the final composite would be produced. Additionally, it should be noted that Applicant's claim language is open ended and does not recite sequential steps as Applicant is stating. The claims are read in their broadest interpretation and having done so the Examiner is unconvinced and maintains the rejections.

Claim Rejections - 35 USC § 102 & 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-3 are rejected under 35 USC § 102 (b) as being anticipated by Civardi et al. (USPN 4,122,223) as set forth in paragraph 4 & 5 of the previous office action.
5. Claim 4 is rejected under 35 USC § 103 (a) as being anticipated by Civardi et al. (USPN 4,122,223) as set forth in paragraph 6 & 7 of the previous office action.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory


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period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Arti Singh whose telephone number is 703-305-0291. The examiner can normally be reached on M-F 9-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Ms. Arti Singh
Primary Examiner
Art Unit 1771

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